

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**PHH MORTGAGE CORPORATION,**

*Plaintiff*

v.

**MARCUS STEWART, ANGELA  
GOODMAN, and CARRIE STEWART AS  
THE LEGAL GUARDIAN FOR MINOR  
CHILDREN L.S., J.S., and Z.S.,**

*Defendants*

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**CIVIL NO. 1:20-CV-00790-LY-SH**

**ORDER**

Before the Court are Guardian Ad Litem Ellen P. Stewart's Application to Pay Attorney's Fees September 10, 2021-May 9, 2022, filed May 9, 2022 (Dkt. 43); Receiver's Motion to Approve Sale, filed May 9, 2022 (Dkt. 44) and corrected and re-filed May 10, 2022 (Dkt. 46); Attorney Ad Litem and Receiver John A. Crane's Motion for Approval of Attorney Fees, filed May 10, 2022 (Dkt. 47); and Attorney Ad Litem and Receiver John A. Crane's First Amended Motion for Approval of Attorney Fees, filed May 11, 2022 (Dkt. 48). The District Court referred all motions in this case to the undersigned Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72, and Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. Dkt. 4.

Having considered the Motions and the record as a whole, and finding good cause therefor, the Court enters the following Order.

On February 10, 2022, by agreed order, the Court appointed John A. Crane as Receiver to sell the real property commonly known as 205 Lidell Street, Hutto, TX 78634, legally described as:

LOT 4, BLOCK "J", HUTTO SQUARE SECTION 2, AN  
ADDITION IN AND TO THE CITY OF HUTTO, WILLIAMSON  
COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT  
THEREOF RECORDED IN CABINET Y, SLIDE 154, OF THE  
PLAT RECORDS, WILLIAMSON COUNTY, TEXAS

(the “Property”). Dkt. 40. The Court finds that the Property has been sold at private sale for a fair price in accordance with the order appointing Receiver.

It is therefore **ORDERED** that Receiver’s Motion to Approve Sale (Dkt. 46) is hereby **GRANTED**. It is **ORDERED, ADJUDGED AND DECREED** that the sale described in Receiver’s Report of Sale is hereby **APPROVED AND CONFIRMED**.

It is further **ORDERED** that the escrow agent deliver the sale proceeds to the Clerk of this Court for deposit into an interest-bearing account until further order of this Court.

The Court further finds that Guardian Ad Litem Ellen P. Stewart has incurred attorney’s fees, that the fees requested in her Application to Pay Attorney’s Fees are reasonable and just, that such fees were necessarily incurred, that the said fees should be taxed as costs and paid by the Court, and that her Application should be granted. **IT IS THEREFORE ORDERED** that Guardian Ad Litem Ellen P. Stewart’s Application to Pay Attorney’s Fees (Dkt. 43) is hereby **GRANTED**. The Court shall pay the legal fees listed in the Application to Barnes Lipscomb & Stewart PLLC in the amount of \$6,186 and the fees shall be taxed as costs and shall be paid from the sale proceeds at the closing of the sale of the Property.

The Court further finds that Attorney Ad Litem and Receiver John A. Crane has incurred attorney’s fees and expenses, that the fees requested in his Motion for Approval of Attorney Fees are reasonable and just, that such fees were necessarily incurred, that the said fees should be taxed as costs and paid by the Court, and that his Motion should be granted. **IT IS THEREFORE ORDERED** that Attorney Ad Litem and Receiver John A. Crane’s First Amended Motion for Approval of Attorney Fees (Dkt. 48) is hereby **GRANTED**. The Court shall pay the legal fees listed in the Motion for Approval of Attorney Fees of \$6,600 and advanced expenses of \$558.23,

for a total amount of \$7,158.23, and the fees shall be taxed as costs and shall be paid from the sale proceeds at the closing of the sale of the Property.

**IT IS FURTHER ORDERED** that Receiver's Motion to Approve Sale (Dkt. 44) and Attorney Ad Litem and Receiver John A. Crane's Motion for Approval of Attorney Fees (Dkt. 47) are **DISMISSED AS MOOT**.

**SIGNED** on May 11, 2022.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE